

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SCOTT T. HACKER, Individually and
on behalf of all others similarly situated,

Plaintiff,

v.

ELECTRIC LAST MILE SOLUTIONS, INC.
F/K/A FORUM MERGER III CORP., JAMES
TAYLOR, JASON LUO, DAVID
BORIS, MARSHALL KIEV, ALBERT
LI, and ROBERT SONG,

Defendants.

CIVIL ACTION NO.

2:22-cv-00545-CCC-LDW

MOTION DAY: May 2, 2022

PIERRE FONTAINE, Individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ELECTRIC LAST MILE SOLUTIONS,
INC. F/K/A FORUM MERGER III CORP.,
JAMES TAYLOR, JASON LUO, DAVID
BORIS, MARSHALL KIEV, ALBERT LI,
and ROBERT SONG,

Defendants.

CIVIL ACTION NO.

1:22-cv-01902

**MOTION OF PIERRE FONTAINE FOR CONSOLIDATION, APPOINTMENT AS
LEAD PLAINTIFF, AND APPROVAL OF SELECTION OF LEAD COUNSEL**

Lead Plaintiff movant Pierre Fontaine respectfully moves this Court pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), for the entry of an Order: (1) consolidating the above-captioned related actions pursuant to Fed. R. Civ. P. 42(a); (2) appointing Mr. Fontaine as Lead Plaintiff on behalf of the Class of all persons or entities who purchased or otherwise acquired the securities of Electric Last Mile Solutions, Inc. and/or its predecessor company Forum Merger III Corp. (“ELMS,” “FIU,” or the “Company”) between November 12, 2020 and February 1, 2022, inclusive (the “Class Period”); (3) approving Mr. Fontaine’s selection of Labaton Sucharow LLP as Lead Counsel for the Class (the “Motion”); and (4) granting such other and further relief as the Court may deem just and proper.

This Motion is made on the grounds that Mr. Fontaine is the “most adequate plaintiff” under the PSLRA and should therefore be appointed Lead Plaintiff. Mr. Fontaine believes he has the “largest financial interest” in the relief sought by the Class in this action. Mr. Fontaine also otherwise satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure because his claims are typical of other Class members’ claims, and because he will fairly and adequately represent the Class.

This Motion is based upon the accompanying Memorandum of Law in support thereof, the Declaration of Joseph N. Cotilletta filed herewith, the pleadings and other filings herein, and such other written or oral argument as may be permitted by the Court.

Dated: April 4, 2022

Labaton Sucharow LLP

/s/ Joseph N. Cotilletta (047092011)

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*Counsel for Pierre Fontaine and Proposed Lead
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Additional Counsel for Pierre Fontaine

LOCAL RULE 11.2 CERTIFICATION

I, Joseph N. Cotilletta, hereby certify that, to the best of my knowledge, the matter in controversy in the above-captioned actions is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

CERTIFICATE OF SERVICE

I, Joseph N. Cotilletta, hereby certify that the Motion of Pierre Fontaine for Consolidation, Appointment as Lead Plaintiff and Approval of Selection of Lead Counsel was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: April 4, 2022

/s/ Joseph N. Cotilletta (047092011)
Joseph N. Cotilletta